

House File 735 - Introduced

HOUSE FILE 735

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 571)

A BILL FOR

1 An Act relating to the management of soil and water resources,
2 including projects described in the Iowa nutrient reduction
3 strategy, and the use of a county tax levy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 161A.3, Code 2019, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 9A. *"Iowa nutrient reduction strategy"*
4 means the same as defined in section 455B.171.

5 NEW SUBSECTION. 12A. *"Point source"* means the same as
6 defined in section 455B.171.

7 Sec. 2. Section 161A.7, subsection 1, paragraph d, Code
8 2019, is amended to read as follows:

9 *d.* To cooperate, or enter into agreements with, and within
10 the limits of appropriations duly made available to it by law,
11 to furnish financial or other aid and assistance to any agency,
12 governmental or otherwise, or any owner or occupier of lands
13 within the district, ~~in the carrying on of~~ including by doing
14 all of the following:

15 (1) Carrying out erosion-control and watershed protection
16 and flood prevention operations within the district, subject
17 to such conditions as the commissioners may deem necessary to
18 advance the purposes of *this chapter*.

19 (2) Carrying out projects or operations within the
20 district, as provided in paragraph "p", subject to such
21 conditions as the commissioners may deem necessary to advance
22 the purposes of this chapter.

23 Sec. 3. Section 161A.7, subsection 1, Code 2019, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. *p.* To carry out soil erosion control,
26 watershed protection or improvement, water resource
27 restoration, flood prevention or control, and water quality
28 protection projects and operations, within the district. The
29 water quality protection projects and operations may include
30 but are not limited to efforts to maintain, protect, and
31 improve the quality of surface water and groundwater from point
32 and nonpoint sources, including by doing all of the following:

33 (1) Reducing or eliminating pollution caused by access to
34 agricultural drainage or sinkholes, sedimentation, or chemical
35 pollutants.

1 (2) Reducing or removing nutrients and other pollutants in
2 or from surface water and groundwater.

3 (3) Reducing or eliminating nutrient loads from surface
4 water or groundwater.

5 (4) Achieving or furthering any of the objectives, goals,
6 and targets described in the Iowa nutrient strategy.

7 Sec. 4. Section 161A.13, Code 2019, is amended to read as
8 follows:

9 **161A.13 Purpose of subdistricts.**

10 Subdistricts of a soil and water conservation district may
11 be formed as ~~provided in this chapter for the purposes of~~
12 ~~carrying out watershed protection and flood prevention programs~~
13 to carry out the same purposes of the district under section
14 161A.7, within the territory of the subdistrict but shall not
15 be formed solely for the purpose of establishing or taking over
16 the operation of an existing drainage district.

17 Sec. 5. Section 161C.1, Code 2019, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 01. "*Authorized project*" means a project
20 that is carried out to support any of the following:

- 21 a. Soil erosion control.
- 22 b. Watershed protection or improvement.
- 23 c. Water resource restoration.
- 24 d. Flood prevention or control.
- 25 e. Water quality protection practices.
- 26 f. Water quality projects and operations, including as
27 required to achieve or further any of the objectives, goals,
28 and targets described in the Iowa nutrient strategy.

29 NEW SUBSECTION. 4A. "*Financing entity*" means a public
30 or private agency as defined in section 28E.2 that provides
31 funding to persons through loans, forgivable loans, grants, or
32 other financial instruments, and which may include but is not
33 limited to providing financing under chapter 28F, 331, or 384.

34 NEW SUBSECTION. 4B. "*Iowa nutrient reduction strategy*"
35 means the same as defined in section 455B.171.

1 NEW SUBSECTION. 5A. "*Point source*" means the same as
2 defined in section 455B.171.

3 NEW SUBSECTION. 5B. "*Public purpose entity*" means a
4 county, city, other political subdivision or local agency, a
5 rural water district incorporated and organized pursuant to
6 the provisions of chapter 357A, or a rural water association
7 organized and incorporated as a cooperative association under
8 chapter 499 or as a nonprofit corporation under chapter 504.

9 Sec. 6. Section 161C.2, subsection 1, paragraph a, Code
10 2019, is amended to read as follows:

11 a. ~~Each~~ A soil and water conservation district, alone and
12 whenever practical in conjunction with other districts, shall
13 public purpose entities, or financing entities may carry out
14 district-wide and multiple-district projects to support water
15 protection practices in the district or districts, including
16 but not limited to authorized projects to protect this state's
17 groundwater and surface water from point and nonpoint sources
18 ~~of contamination, including but not limited to contamination~~
19 ~~by agricultural drainage wells, sinkholes, sedimentation, or~~
20 ~~chemical pollutants.~~ The projects and operations include but
21 are not limited to practices or other efforts to reduce or
22 eliminate pollution caused by access to agricultural drainage
23 wells or sinkholes, sedimentation, or chemical pollutants, as
24 described in the Iowa nutrient reduction strategy.

25 Sec. 7. Section 161C.3, Code 2019, is amended to read as
26 follows:

27 161C.3 ~~Cooperation with other agencies~~ public purpose
28 entities and financing entities.

29 ~~Soil~~ A soil and water conservation ~~districts~~ district may
30 enter into ~~agreements~~ an agreement with the ~~United States~~
31 federal government, as provided by state law, ~~or with the~~
32 ~~state of Iowa or any agency of the state,~~ any other soil and
33 ~~water conservation district, or other political subdivision~~
34 ~~of this state~~ a public purpose entity, or a financing entity,
35 for cooperation in preventing, controlling, or attempting to

1 prevent or control ~~contamination~~ the pollution of groundwater
 2 ~~or surface water or groundwater~~ by point and nonpoint sources
 3 ~~of pollution~~. Soil and water conservation districts may
 4 accept, as provided by state law, any money disbursed for water
 5 quality preservation purposes by the federal government or any
 6 agency of the federal government, and expend the money for the
 7 purposes for which it was received.

8 Sec. 8. Section 161E.1, Code 2019, is amended to read as
 9 follows:

10 **161E.1 Authority of board.**

11 1. a. If a ~~county~~, soil and water conservation district,
 12 a subdistrict of a soil and water conservation district,
 13 ~~political subdivision of the state, or other local agency a~~
 14 public purpose entity, or a financing entity engages or in,
 15 ~~participates in a project for flood or erosion control, flood~~
 16 prevention, or carries out an authorized project, including
 17 but not limited to a water quality project or operation, or
 18 engages in, participates in, or carries out a project for
 19 the conservation, development, utilization, and disposal
 20 of water, in cooperation with the federal government, or a
 21 department or agency of the federal government, the counties
 22 in which the project is carried ~~on~~ out may, act through the
 23 board of supervisors, ~~construct, or under a chapter 28E or 28F~~
 24 agreement, to do any of the following:

25 (1) Construct, operate, and maintain the project on lands
 26 under the control or jurisdiction of the county dedicated to
 27 county use, ~~or furnish.~~

28 (2) Furnish financial and other assistance in connection
 29 with the projects. ~~Flood, soil erosion control, and watershed~~
 30 ~~improvement~~

31 b. Authorized projects, including but not limited to water
 32 quality projects and operations, are presumed to be for the
 33 protection of the tax base of the county, for the protection of
 34 public roads and lands, and for the protection of the public
 35 health, sanitation, safety, and general welfare.

1 Sec. 9. NEW SECTION. 161E.1A Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

- 4 1. "*Authorized project*" means a project that is carried out
5 to support any of the following:
6 a. Soil erosion control project.
7 b. Watershed protection or improvement project.
8 c. Water resource restoration project.
9 d. Flood prevention or control.
10 e. Water quality protection practices.

11 f. Water quality projects and operations, including those
12 projects described in the Iowa nutrient reduction strategy.

13 2. "*Financing entity*" means the same as defined in section
14 161C.1.

15 3. "*Iowa nutrient reduction strategy*" means the same as
16 defined in section 455B.171.

17 4. "*Point source*" means the same as defined in section
18 455B.171.

19 5. "*Public purpose entity*" means the same as defined in
20 section 161C.1.

21 Sec. 10. Section 161E.2, Code 2019, is amended to read as
22 follows:

23 **161E.2 Federal aid assistance.**

24 A county may, in accordance with this chapter, accept
25 ~~federal funds for aid moneys to assist in a supporting an~~
26 ~~authorized project for flood or soil erosion control, flood~~
27 ~~prevention, or the conservation, development, utilization,~~
28 ~~and disposal of water, and.~~ A county may cooperate with the
29 federal government or a department or agency of the federal
30 government, a soil and water conservation district, subdistrict
31 of a soil and water conservation district, ~~political~~
32 ~~subdivision of the state, or other local agency, and the or a~~
33 public purpose entity. The county may assume a proportion of
34 the cost of the authorized project as deemed appropriate, and
35 may assume the maintenance cost of the project on lands under

1 the control or jurisdiction of the county which will not be
2 discharged by federal aid assistance or grant.

3 Sec. 11. Section 161E.3, Code 2019, is amended to read as
4 follows:

5 **161E.3 Cooperation.**

6 The ~~counties,~~ county, soil and water conservation districts,
7 ~~and~~ subdistricts of soil and water conservation districts,
8 and public purpose entities concerned, shall advise and
9 consult with each other, upon the request of any of them or
10 any affected landowners, and may cooperate with each other
11 or with other state subdivisions or instrumentalities, and
12 affected landowners, as well as with the federal government or
13 a department or agency of the federal government, or with a
14 financing entity, to construct, operate, and maintain suitable
15 authorized projects for flood or soil erosion control, flood
16 prevention, including but not limited to water quality projects
17 and operations, or the conservation, development, utilization,
18 and disposal of water on public roads or other public lands or
19 other land granted county use.

20 Sec. 12. Section 161E.5, Code 2019, is amended to read as
21 follows:

22 **161E.5 Maintenance cost.**

23 If construction of projects has been completed by the soil
24 and water conservation district, ~~subdistricts~~ a subdistrict of
25 the soil and water conservation ~~districts~~ district, ~~political~~
26 ~~subdivisions of the state, or other local agencies~~ a public
27 purpose entity, or the federal government, or a department or
28 agency of the federal government, on private lands under the
29 easement granted to the county, only the cost of maintenance
30 may be assumed by the county.

31 Sec. 13. Section 161E.9, Code 2019, is amended to read as
32 follows:

33 **161E.9 Tax levy.**

34 The county board of supervisors may annually levy a tax not
35 to exceed six and three-fourths cents per thousand dollars of

1 assessed value of all agricultural lands in the county, to
 2 be used for ~~flood and erosion control, including~~ authorized
 3 projects, including but not limited to furnishing financial
 4 assistance in connection with water quality projects and
 5 operations, and for the acquisition of land or interests in
 6 land, and repair, alteration, maintenance, and operation of
 7 works of improvement on lands under the control or jurisdiction
 8 of the county as provided in this chapter.

9 Sec. 14. Section 161F.2, Code 2019, is amended to read as
 10 follows:

11 **161F.2 Board of supervisors to establish districts — strip**
 12 **coal mining.**

13 1. The board of supervisors of ~~any a~~ a county shall have
 14 jurisdiction, power and authority at any regular, special or
 15 adjourned session to establish, subject to the provisions
 16 of this chapter, districts having for their purpose soil
 17 conservation, ~~and the control of flood waters, or the~~
 18 improvement of water quality, and to cause to be constructed
 19 as hereinafter provided, such improvements and facilities as
 20 shall be deemed essential for the accomplishment of the purpose
 21 of soil conservation, and flood control, or the improvement of
 22 water quality.

23 2. ~~Such~~ The board of supervisors of a county shall also
 24 have jurisdiction, power and authority at any regular, special
 25 or adjourned session to establish, in the same manner that
 26 the districts ~~hereinabove referred to~~ described in subsection
 27 1 are established, districts having for their purpose soil
 28 conservation in mining areas within the county, and provide
 29 that anyone engaged in removing the surface soil over any
 30 bed or strata of coal in such district for the purpose of
 31 obtaining such coal shall replace the surface soil as nearly
 32 as practicable to its original position, and provide that,
 33 upon abandonment of such removal operation, all surface soil
 34 shall be so replaced. This section subsection shall apply only
 35 to surface soil so removed ~~after July 4, 1949, and then only~~

1 if it is essential for the accomplishment of the purpose of
2 soil conservation and flood control within the purview of this
3 chapter.

4 Sec. 15. Section 161F.3, Code 2019, is amended to read as
5 follows:

6 **161F.3 Combination of functions.**

7 Such districts shall have the power to combine in their
8 functions activities affecting soil conservation, flood
9 control, and drainage, water quality improvement, or any of
10 these objects, singly or in combination with another.

11 Sec. 16. CODE EDITOR DIRECTIVE.

12 1. The Code editor is directed to make the following
13 transfers:

14 a. Section 161E.1A as enacted in this Act to section 161E.1.

15 b. Section 161E.1, as amended by this Act, to section
16 161E.1A.

17 2. The Code editor shall correct internal references in the
18 Code and in any enacted legislation as necessary due to the
19 enactment of this section.

20 **EXPLANATION**

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill amends various provisions relating to the
24 management of soil and water resources including Code chapter
25 161A, the "Soil Conservation Districts Law" (Code section
26 161A.1) which regulates soil erosion and authorizes the payment
27 of cost-share incentives for soil and water conservation
28 practices administered by the department of agriculture and
29 land stewardship (department) and soil and water conservation
30 districts (districts) throughout the state; Code chapter
31 161C authorizing districts and other political subdivisions
32 to work in conjunction in carrying out districtwide and
33 multiple district water protection projects; Code chapter 161E,
34 authorizing counties and districts, political subdivisions,
35 and other local agencies (qualified government entities) to

1 provide for flood control or soil erosion control, including
2 by levying a tax of 6.75 cents per \$1,000 of assessed value on
3 agricultural land in the county; and Code chapter 161F which
4 authorizes the board of supervisors of a county to establish
5 soil conservation and flood control districts.

6 The bill provides that along with traditional duties and
7 powers exercised by these bodies relating to soil erosion
8 and flood protection, they may also carry out water quality
9 protection projects and operations which include efforts to
10 maintain, protect, and improve the quality of surface water
11 and groundwater from point and nonpoint sources in a manner
12 consistent with the Iowa nutrient reduction strategy. The
13 bill authorizes cooperation between districts, subdistricts,
14 political subdivisions including through the use of Code
15 chapter 28E and Code chapter 28F agreements, rural water
16 districts, and rural water associations. The bill authorizes
17 joint financing agreements and the involvement of financing
18 entities which include public or private agencies providing
19 funding through loans, grants, or other financial instruments.